

Fiscal Estimate Narratives

DOJ 1/29/2008

LRB Number	07-2779/2	Introduction Number	AB-0424	Estimate Type	Original
Description Adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

Wisconsin Statute 175.35 requires that all Wisconsin firearms dealers licensed by the Bureau of Alcohol, Tobacco and Firearms conduct a mandatory background check on any person requesting to purchase a handgun. Firearm dealers call the Department of Justice's Handgun Hotline to determine whether a person is eligible to possess a firearm under state law.

Assembly Bill 424 provides that, under certain circumstances, if a court orders commitment of a person under Chapter 51, appoints a guardian of a person under Chapter 54, or orders protective services or protective placement of a person under Chapter 55, and the court determines the person is prohibited from possessing a firearm under federal law, the court clerk shall notify DOJ of the prohibition. Assembly Bill 424 further requires DOJ to promulgate rules to convey information in a timely manner to the National Instant Check System (NICS) regarding these individuals and to check whether a person has been the subject of a court order or finding that is based on a determination that the person's mental health would render the person ineligible to possess a firearm under federal law.

It is DOJ's understanding that the Circuit Court Automation Programs (CCAP) case management system currently tracks the cases covered by AB 424. The Department has an existing interface with CCAP that allows DOJ's Crime Information Bureau (CIB) access to court records. However, to be able to accept the court information ordered sent to DOJ under AB 424, DOJ will have to make certain modifications to the existing CCAP interface and data files in CIB. The department estimates a total one-time cost of approximately \$39,000 for system analysis, design, implementation, and testing.

It should be noted, President Bush recently signed into law H.R. 2640, regarding criminal background checks for firearms purchases. The new law authorizes financial incentives to states to increase their level of reporting of firearm purchase disqualifying information, including mental health data, to NICS. It is possible Wisconsin could receive federal funds to cover the costs associated with implementing the provisions of AB 424. However, there is uncertainty as to if/when any federal dollars would be realized or whether DOJ could secure grant money to offset already incurred costs under AB 424.

Long-Range Fiscal Implications